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HEALTH DEPARTMENT,
CITY OF NEW YORK,
NO. 301 MOTT STREET.

TENEMENT-HOUSE ACTS.

Chapter 908, Laws of 1867.

(As amended by Chapter 504, Laws of 1879, and
Chapter 399, Section 1, Laws of 1880.)

AN ACT for the regulation of Tenement and Lodg-
ing Houses in the cities of New York and
Brooklyn.

Passed May 14, 1867.

*The People of the State of New York, represented
in Senate and Assembly, do enact as follows :*

SECTION 1. From and after the first day of July, eighteen hundred and sixty-seven, no house, building, or portion thereof, in the cities of New York or Brooklyn, shall be used, occupied, leased or rented for a tenement or lodging house unless the same conforms in its construction and appurtenances to the requirements of this act.

When this
act takes
effect.

SEC. 2. Every house, building or portion thereof in the cities of New York and Brooklyn, designed to be

Ventilation
and win-
dows.

used, occupied, leased or rented, or which is used, occupied, leased or rented, for a tenement or lodging house, shall have in every room which is occupied as a sleeping room, and which does not communicate directly with the external air, a ventilating or transom window, having an opening or area of three square feet, over the door leading into and connected with the adjoining room, if such adjoining room communicates with the external air; and also a ventilating or transom window of the same opening or area, communicating with the entry or hall of the house, or, where this is, from the relative situation of the rooms, impracticable, such last-mentioned ventilating or transom window shall communicate with an adjoining room that itself communicates with the entry or hall. Every such house or building shall have in the roof, at the top of the hall, an adequate and proper ventilator, of a form approved in New York by the inspector of public buildings, and in Brooklyn by the assistant sanitary superintendent of the Metropolitan Board of Health.

Roof, at top
of hall, to
have ven-
tilator.

Fire-escape. SEC. 3. Every such house shall be provided with a proper fire escape, or means of escape in case of fire, to be approved in New York by the inspector of public buildings, and in Brooklyn by the assistant sanitary superintendent of the Metropolitan Board of Health.

Roof, pro-
visions con-
cerning.

SEC. 4. The roof of every such house shall be kept in good repair, and so as not to leak, and all rain-water shall be so drained or conveyed therefrom as to prevent its dripping on to the ground, or causing dampness in the walls, yard or area. All stairs shall

Stairs.

be provided with proper banisters or railings, and shall be kept in good repair.

SEC. 5. Every such building shall be provided with good and sufficient water-closets or privies, of a construction approved by the Metropolitan Board of Health, and shall have proper doors, traps, soil-pans, and other suitable works and arrangements, so far as may be necessary to insure the efficient operation thereof. Such water-closets or privies shall not be less in number than one to every twenty occupants of said house; but water-closets or privies may be used in common by the occupants of any two or more houses, provided the access is convenient and direct, and provided the number of occupants in the houses for which they are provided shall not exceed the proportion above required for every privy or water-closet. Every such house situated upon a lot on a street in which there is a sewer, shall have the water-closets or privies furnished with a proper connection with the sewer, which connection shall be in all its parts adequate for the purpose, so as to permit entirely and freely to pass whatever enters the same. Such connection with the sewer shall be of a form approved in New York by the Croton Aqueduct Board, and in Brooklyn by the Board of Water Commissioners. All such water-closets and vaults shall be provided with the proper traps, and connected with the house sewer by a proper tight pipe, and shall be provided with sufficient water and other proper means of flushing the same; and every owner, lessee, and occupant shall take adequate measures to prevent improper substances from entering such water-closets or privies or their connections, and to secure the prompt removal of any

Water-closets or privies.

Id.; number

Id.; when to be connected with sewer.

Id.; to have traps and water.

Obstructions of water-closets, exhalations, etc., to be prevented by owner, etc.

improper substances that may enter them, so that no accumulation shall take place, and so as to prevent any exhalations therefrom, offensive, dangerous, or prejudicial to life or health, and so as to prevent the same from being or becoming obstructed. No cesspool shall be allowed in or under or connected with any such house, except when it is unavoidable, and in such case it shall be constructed in such situation and in such manner as the Metropolitan Board of Health may direct. It shall in all cases be water-tight, and arched or securely covered over, and no offensive smell or gases shall be allowed to escape therefrom, or from any privy or privy-vault. In all cases where a sewer exists in the street upon which the house or building stands, the yard or area shall be so connected with the same, that all water, from the roof or otherwise, and all liquid filth shall pass freely into it. Where no sewer exists in the street, the yard or area shall be so graded that all water, from the roof or otherwise, and all filth shall flow freely from it and all parts of it into the street gutter, by a passage beneath the sidewalk, which shall be covered by a permanent cover, but so arranged as to permit access to remove obstructions or impurities.

Cesspools, when allowed.

Id.; how constructed

Yard or area, when to be connected with sewer, and how.

Or with street gutter.

Cellars not occupied as dwellings before July 1, 1867, require permits.

Cellar, not to be used as dwelling unless it

SEC. 6. From and after the first day of July, eighteen hundred and sixty-seven, it shall not be lawful, without a permit from the Metropolitan Board of Health, to let or occupy, or suffer to be occupied separately as a dwelling, any vault, cellar, or underground room built or rebuilt after said date, or which shall not have been so let or occupied before said date. And from and after July first, eighteen hundred and sixty-seven, it shall not be lawful without such permit to

let or continue to be let, or to occupy or suffer to be occupied separately as a dwelling, any vault, cellar, or underground room whatsoever, unless the same be in every part thereof at least seven feet in height, measured from the floor to the ceiling thereof, nor unless the same be for at least one foot of its height above the surface of the street or ground adjoining or nearest to the same, nor unless there be outside of and adjoining the said vault, cellar, or room, and extending along the entire frontage thereof, and upwards, from six inches below the level of the floor thereof, up to the surface of the said street or ground, an open space of at least two feet and six inches wide in every part, nor unless the same be well and effectually drained by means of a drain, the uppermost part of which is one foot at least below the level of the floor of such vault, cellar, or room, nor unless there is a clear space of not less than one foot below the level of the floor, except where the same is cemented, nor unless there be appurtenant to such vault, cellar, or room, the use of a water-closet or privy kept and provided as in this act required, nor unless the same have an external window-opening of at least nine superficial feet, clear of the sash-frame, in which window-opening there shall be fitted a frame filled in with glazed sashes, at least four and a half superficial feet of which shall be made so as to open for the purpose of ventilation. Provided, however, that in the case of an inner or back vault, cellar, or room let or occupied along with a front vault, cellar, or room, as part of the same letting or occupation, it shall be a sufficient compliance with the provisions of this act if the front room is provided with a window as hereinbefore provided, and if the said back vault, cellar or room is connected

conforms to
certain re-
quirements.

Cellar, etc.,
must be
drained.

Id.; must
have water-
closets,
windows,
etc.

Back cellar,
etc., when
may be oc-
cupied with
front cellar,
etc.

Cellar, etc.,
to have
steps to
area.

Id.; also
over area.

with the front vault, cellar, or room by a door and also by a proper ventilating or transom window, and where practicable, also connected by a proper ventilating or transom window, or by some hall or passage communicating with the external air. Provided always that in any area adjoining a vault, cellar, or underground room there may be steps necessary for access to such vault, cellar, or room, if the same be so placed as not to be over, across, or opposite to the said external window, and so as to allow between every part of such steps and the external wall of such vault, cellar, or room, a clear space of six inches at least, and if the rise of said steps is open; and provided further that over or across any such area there may be steps necessary for access to any building above the vault, cellar, or room to which such area adjoins if the same be so placed as not to be over, across, or opposite to any such external window.

Cellar, etc.,
occupied
after July 1,
1868, re-
quires per-
mit.

SEC. 7. From and after the first day of July, eighteen hundred and sixty-eight, no vault, cellar, or underground room shall be occupied as a place of lodging or sleeping, except the same shall be approved, in writing, and a permit given therefor, by the Metropolitan Board of Health.

Garbage
boxes.

Combusti-
bles or un-
healthy
articles not
to be stored
or animals
kept in ten-
ement or
lodging-
house.

SEC. 8. Every tenement or lodging-house shall have the proper and suitable conveniences or receptacles for receiving garbage and other refuse matters. No tenement or lodging-house, nor any portion thereof, shall be used as a place of storage for any combustible article, or any article dangerous to life or detrimental to health; nor shall any horse, cow, calf, swine, pig, sheep, or goat, be kept in said house.

SEC. 9. Every tenement or lodging-house, and every part thereof, shall be kept clean and free from any accumulation of dirt, filth, garbage, or other matter in or on the same, or in the yard, court, passage, area, or alley connected with or belonging to the same. The owner or keeper of any lodging-house, and the owner or lessee of any tenement-house, or part thereof, shall thoroughly cleanse all the rooms, passages, stairs, floors, windows, doors, walls, ceilings, privies, cess-pools, and drains thereof of the house or part of the house of which he is the owner or lessee, to the satisfaction of the Metropolitan Board of Health, so often as shall be required by or in accordance with any regulation or ordinance of said Board, and shall, well and sufficiently, to the satisfaction of said Board, whitewash the walls and ceilings thereof twice at least in every year, and in the months of April and October, unless the said Board shall otherwise direct. Every tenement or lodging-house shall have legibly posted or painted on the wall or door in the entry, or some public accessible place, the name and address of the owner or owners, and of the agent or agents, of any one having charge of the renting and collecting of the rents for the same; and service of any papers required by this act, or by any proceedings to enforce any of its provisions, or of the acts relating to the Metropolitan Board of Health, or the Department for the Survey and Inspection of Buildings, shall be sufficient if made upon the person or persons so designated as owner or owners, agent or agents.

Tenement and lodging-houses to be kept clean.

Owner, etc., to cleanse to satisfaction of Board of Health.

Id.; to whitewash twice a year.

Owner's and agent's names to be posted.

Service of papers, on whom made.

SEC. 10. The keeper of any lodging-house, and the owner, agent of the owner, lessee, and occupant of any tenement-house, and every other person having the

Officers of the Board of Health to have access

to tenement care or management thereof, shall, at all times, when
and lodg- required by any officer of the Metropolitan Board of
ing-houses. Health or by any officer upon whom any duty or
authority is conferred by this act, give him free access
Sick per- to such house and to every part thereof. The owner
sons to be or keeper of any lodging-house, and the owner, agent
reported. of the owner, and the lessee of any tenement-house, or
part thereof, shall, whenever any person in such house
is sick of fever, or of any infectious, pestilential, or
contagious disease, and such sickness is known to
such owner, keeper, agent, or lessee, give immediate
notice thereof to the Metropolitan Board of Health, or
to some officer of the same, and thereupon said Board
shall cause the same to be inspected, and may, if found
necessary, cause the same to be immediately cleansed
or disinfected at the expense of the owner, in such
manner as they may deem necessary and effectual;
and they may also cause the blankets, bedding, and
bedclothes used by any such sick person, to be
thoroughly cleansed, scoured, and fumigated, or, in
extreme cases, to be destroyed.

When
house,
clothing,
furniture,
etc., may be
disinfected
or de-
stroyed.

Buildings
infected
or out of
repair may
be ordered
vacated.

SEC. 11. Whenever it shall be certified to the Metro-
politan Board of Health by the Sanitary Superintend-
ent that any building or part thereof is unfit for
human habitation, by reason of its being so infected
with disease as to be likely to cause sickness among
the occupants, or by reason of its want of repair has
become dangerous to life, said Board may issue an
order and cause the same to be affixed conspicuously
on the building or part thereof and to be personally
served upon the owner, agent, or lessee, if the same
can be found in this State, requiring all persons there-
in to vacate such building for the reasons to be stated

therein as aforesaid. Such building or part thereof shall, within ten days thereafter, be vacated; or within such shorter time, not less than twenty-four hours, as in said notice may be specified; but said Board, if it shall become satisfied that the danger from said house or part thereof has ceased to exist, may revoke said order, and it shall thenceforward become inoperative.

Time within which order must be obeyed.

SEC. 12. No house hereafter erected shall be used as a tenement-house or lodging-house, and no house heretofore erected and not now used for such purpose, shall be converted into, used, or leased for a tenement or lodging-house, unless, in addition to the requirements hereinbefore contained, it conforms to the requirements contained in the following sections.

Houses hereafter erected or converted to comply with additional requirements.

SEC. 13. (As amended by Chap. 504, Laws of 1879, and Chap. 399, Sec. 1, Laws of 1880). It shall not be lawful hereafter to erect for, or convert to, the purposes of a tenement or lodging-house, a building on any lot where there is another building on the same lot, unless there is a clear open space, exclusively belonging thereto, and extending upward from the ground, of at least ten feet between said buildings, if they are one story high above the level of the ground; if they are two stories high, the distance between them shall not be less than fifteen feet; if they are three stories high, the distance between them shall not be less than twenty feet; and if they are more than three stories high, the distance between them shall not be less than twenty-five feet. At the rear of every building hereafter erected for or converted to the purposes of a tenement or lodging-house on any lot, there shall

Distances between buildings on front and rear of lot.

Space in rear of tenement or lodging-house.

be a clear open space of not less than ten feet between it and the rear line of the lot. But when thorough ventilation of such open spaces can be otherwise secured, such distances may be lessened or modified in special cases, or the open spaces may be dispensed with on corner lots, by a permit from the Board of Health.

Distances may be modified by Board of Health.

No one continuous building shall be built or converted to the purposes of a tenement or lodging-house in the city of New York upon an ordinary city lot, to occupy more than sixty-five per centum of the said lot, and in the same proportion if the lot be greater or less in size than twenty-five feet by one hundred feet; but this provision shall not apply to corner lots, and may be modified in other special cases by a permit from the Board of Health.

Building not to occupy more than 65 per cent. of lot, etc.

Foregoing provision not applicable to corner lots, and may be modified by Board of Health.

SEC. 14. (As amended by Chap. 504, Laws of 1879.)

In every such house hereafter erected or converted, every habitable room, except rooms in the attic, shall be in every part not less than eight feet in height from the floor to the ceiling; and every habitable room in the attic of any such building shall be at least eight feet in height from the floor to the ceiling, throughout not less than one-half of the area of such room. Every such room shall have at least one window connecting with the external air, or over the door or ventilator of perfect construction, connecting it with a room or hall which has a connection with the external air, and so arranged as to produce a cross-current of air. The total area of window or windows in every room communicating with the external air, shall be at least one-tenth of the superficial area of every such room; and the top of one, at least, of such windows shall not be less than seven feet and six inches above the floor, and

Height of rooms.

Windows.

Size thereof

the upper half, at least, shall be made so as to open the full width. Every habitable room of a less area than one hundred superficial feet, if it does not communicate directly with the external air, and is without an open fire-place, shall be provided with special means of ventilation by a separate air-shaft extending to the roof, or otherwise, as the Board of Health may prescribe. But in all houses hereafter erected or converted in the city of New York, which shall be used, occupied, leased or rented for a tenement or lodging-house, every room used, let or occupied by any person or persons for sleeping shall have at least one window, with a movable sash, having an opening of not less than twelve square feet, admitting light and air directly from the public street or the yard of the said house, unless sufficient light and ventilation shall be otherwise provided, in a manner and upon a plan approved by the Board of Health.

Small rooms to have special ventilation.

Bedroom to have window admitting light and air directly from street or yard.

Size thereof

But Board may allow other ventilation if sufficient.

SEC. 15. Every such house hereafter erected or converted shall have adequate chimneys running through every floor, with an open fire-place or grate, or place for a stove, properly connected with one of said chimneys, for every family and set of apartments. It shall have proper conveniences and receptacles for ashes and rubbish. It shall have croton, ridgewood, or other water furnished at one or more places in such house, or in the yard thereof, so that the same may be adequate and reasonably convenient for the use of the occupants thereof. It shall have the floor of the cellar properly cemented, so as to be water-tight. The halls on each floor shall open directly to the external air, with suitable windows, and shall have no room or other obstruction at the end, unless sufficient light or ven-

Chimneys.

Ashes and rubbish.

Water supply.

Cellar floor.

Halls to open to external air at ends.

tilation is otherwise provided for said halls, in a manner approved by the Metropolitan Board of Health.

**Punishment
for viola-
tion.**

SEC. 16. Every owner or other person, violating any provision of this act, after the same shall take effect, shall be guilty of a misdemeanor, punishable by a fine of not less than ten dollars, nor more than one hundred dollars, or by imprisonment for not more than ten days for each and every day that such violation shall continue, or by both such fine and imprisonment in the discretion of the court. He shall also be liable to pay a penalty of ten dollars for each and every day that such

Penalty.

**How recov-
ered.**

offense shall continue. Such penalty may be sued for and recovered by the Metropolitan Board of Health, and when recovered shall be paid over to the Treasurer of said Board. In every proceeding for a violation of this act, and in every such action for a penalty, it shall be the duty of the owner of the house to prove the date of its erection or conversion to its existing use, if that fact shall become material, and the owner shall be prima facie the person liable to pay such penalty, and after him the person who is the lessee of the whole house, in preference to the tenant or lessee of a part thereof.

**Who may
be made
defendants.**

In any such action the owner, lessee, and occupant, or any two of them, may be made defendants, and judgment may be given against the one or more shown to be liable as if he or they were sole defendant or defendants.

**"Tenement-
house," de-
finition of.**

SEC. 17. A tenement-house, within the meaning of this act, shall be taken to mean and include every house, building, or portion thereof which is rented, leased, let, or hired out to be occupied, or is occupied as the home or residence of more than three families

living independently of another, and doing their cooking upon the premises, or by more than two families upon a floor, so living and cooking, but having a common right in the halls, stairways, yards, water-closets, or privies, or some of them. A lodging-house shall be taken to mean and include any house or building, or portion thereof, in which persons are harbored or received, or lodged for hire for a single night, or for less than a week at one time, or any part of which is let for any person to sleep in for any term less than a week. A cellar shall be taken to mean and include every basement or lower story of any building or house of which one-half or more of the height from the floor to the ceiling is below the level of the street adjoining.

"Lodging-house," definition of.

"Cellar," definition of.

SEC. 18. The Metropolitan Board of Health shall have authority to make other regulations as to cellars and as to ventilation, consistent with the foregoing, where it shall be satisfied that such regulations will secure equally well the health of the occupants.

Regulations not inconsistent with this act may be made by Board of Health.

SEC. 19. This act, except when it is otherwise expressly provided, shall take effect in May first, eighteen hundred and sixty-seven.

When act takes effect.

Chapter 504, Laws of 1879.*

(As amended by Chapter 399, Laws of 1880.)

AN ACT to amend Chapter 908, of the Laws of 1867, entitled "AN ACT for the regulation of Tenement and Lodging-Houses in the cities of New York and Brooklyn."

Passed June 16, 1879.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Laws 1867,
chap. 908,
§ 13, amend-
ed.

SECTION 1 Section thirteen of chapter nine hundred and eight of the Laws of eighteen hundred and sixty-seven, entitled "An Act for the regulation of Tenement and Lodging-Houses in the cities of New York and Brooklyn," is hereby amended so as to read as follows :

Distances
between
buildings
on front and
rear of lot.

SEC. 13 (as amended by chapter 399, Sec. 1, Laws of 1880). It shall not be lawful hereafter to erect for, or convert to, the purposes of a tenement or lodging-house, a building on any lot where there is another building on the same lot, unless there is a clear open space exclusively belonging thereto, and extending upward from the ground of at least ten feet between said buildings, if they are one story high above the level of the ground; if they are two stories high, the distance between them shall not be less than fifteen feet; if they are three stories high, the distance between them shall not be less than twenty feet; and if they are more than three stories

* SECTIONS 1 and 2 amend Chapter 908, Laws of 1867, and are incorporated in said act as printed herewith.

high, the distance between them shall not be less than twenty-five feet. At the rear of every building hereafter erected for or converted to the purposes of a tenement or lodging-house on any lot, there shall be a clear open space of not less than ten feet between it and the rear line of the lot; but, when thorough ventilation of such open spaces can be otherwise secured, such distances may be lessened or modified, in special cases, or the open spaces may be dispensed with on corner lots, by a permit from the Board of Health.

No one continuous building shall be built or converted to the purposes of a tenement or lodging-house in the city of New York, upon an ordinary city lot, to occupy more than sixty-five per centum of the said lot, and in the same proportion if the lot be greater or less in size than twenty-five feet by one hundred feet, but this provision shall not apply to corner lots, and may be modified in other special cases by a permit from the Board of Health.

Space between rear of tenement or lodging-house and back line of lot.

When distances may be modified by Board of Health.

Building not to occupy more than 65 per cent. of ordinary lot, etc.

Foregoing provision not applicable to corner lots, and may be modified by Board of Health.

SEC. 2. The fourteenth section of the said act is hereby amended so as to read as follows:

L. 1867, ch. 908, § 14, amended.

SEC. 14. In every such house hereafter erected or converted, every habitable room, except rooms in the attic, shall be in every part not less than eight feet in height from the floor to the ceiling; and every habitable room in the attic of any such building shall be at least eight feet in height from the floor to the ceiling throughout not less than one-half of the area of such room. Every such room shall have, at least, one window connecting with the external air, or over the door a ventilator of perfect construction connecting it with a room or hall which has a connection with the

Height of rooms.

Windows.

external air, and so arranged as to produce a cross-current of air. The total area of window or windows in every room communicating with the external air shall be at least one-tenth of the superficial area of every such room, and the top of one, at least, of such windows shall not be less than seven feet and six inches above the floor, and the upper half, at least, shall be made so as to open the full width. Every habitable room of a less area than one hundred superficial feet, if it does not communicate directly with the external air and is without an open fire-place, shall be provided with special means of ventilation by a separate air-shaft extending to the roof, or otherwise, as the Board of Health may prescribe. But in all houses hereafter erected or converted in the city of New York, which shall be used, occupied, leased, or rented for a tenement or lodging-house, every room used, let, or occupied by any person or persons for sleeping shall have at least one window, with a movable sash, having an opening of not less than twelve square feet, admitting light and air directly from the public street or the yard of the said house, unless sufficient light and ventilation shall be otherwise provided, in a manner and upon a plan approved by the Board of Health.

Size thereof.

Small rooms to have special ventilation.

Bed-room to have window opening directly to external air.

Size of bed-room window.

Board may permit different ventilation, if sufficient.

Overcrowded T. H. may have number of occupants reduced by order of Board of Health.

SEC. 3. Whenever it shall be certified to the Board of Health of the city of New York, by the Sanitary Superintendent that any tenement-house or room therein is so overcrowded that there shall be afforded less than six hundred cubic feet of air to each occupant of such building or room, the said Board may, if it deem the same to be wise or necessary, issue an order requiring the number of occupants of such building or room to be reduced, so that the inmates thereof

shall not exceed one person to each six hundred cubic feet of air-space in such building or room. Such excess in the number of occupants shall be reduced to the standard hereby designated within ten days after the service of an order therefor upon the owner, lessee, occupant, or agent of such building or room. When-
 ever there shall be more than ten families living in any tenement-house, in which the owner thereof does not reside, there shall be a janitor, housekeeper, or some other responsible person, who shall reside in the said house and have charge of the same, if the Board of Health shall so require.

Time within which such order must be complied with.
 Janitor, etc., for tenement-house, when Board may require.

SEC. 4. The Board of Estimate and Apportionment of the city of New York shall within twenty days after the passage of this act, transfer from any unexpended balances standing to the credit of any Department of said city, or shall otherwise provide, and shall annually hereafter appropriate to the credit of the Health Department the sum of ten thousand dollars, to be known as the tenement-house fund, to be expended by the Board of Health.

Board of estimate, etc., to appropriate \$10,000 annually as "tenement-house fund."

SEC. 5 (as amended by Chapter 399, Sec. 2, Laws of 1880). The Board of Police of the city of New York, upon the requisition of the Board of Health of the city of New York, shall detail to the service of the said Board of Health, for the purpose of the enforcement of the provisions of this act and of chapter nine hundred and eight of the Laws of eighteen hundred and sixty-seven, in the said city, not exceeding thirty suitable officers and men of experience, of at least five years' service in the police force, provided that the Board of Health shall pay monthly to the Board of

Sanitary company, number of, and how constituted.
 Id.; compensation.

Id.; report
of, to whom
made.

Id.; disci-
pline, regu-
lations con-
cerning.

Police a sum equal to the pay of all officers and men so detailed. These officers and men shall belong to the sanitary company of police, and shall report to the President of the Board of Health. The Board of Health may report back to the Board of Police for punishment any member of said company guilty of any breach of orders or discipline or of neglecting his duty, and thereupon the Board of Police may detail another officer or man in his place; and the discipline of the said members of the sanitary company shall be in the jurisdiction of the Board of Police; but at any time the Board of Health may object to the efficiency of any member of said sanitary company, and thereupon another officer or man may be detailed in his place. The Board of Police shall have the power, and it shall be their duty, to fill all vacancies in the police force of the city caused by the detailing of said officers and men, upon the requisition of the Board of Health, and to make new appointments to said force equal in number to the officers and men now or who may hereafter be detailed to the service of the Board of Health under and by virtue of the provisions of this act.

Penalty for
violation of
this act.

How recov-
ered; to
whom paid.

Who liable.

SEC. 6. Every owner or other person violating any provision of this act shall be liable to pay a penalty of ten dollars for each and every day that such offense shall continue. Such penalty may be sued for and recovered by the Board of Health, and when recovered shall be paid over to the City Chamberlain, and become part of the tenement-house fund. In every proceeding for a violation of this act, and in every such action for a penalty, the owner shall be prima facie the person liable to pay such penalty, and after him the person who is the lessee of the whole house,

in preference to the tenant or lessee of a part thereof.

In any such action the owner, lessee, and occupant, or any two of them, may be made defendants, and judgment may be given against the one or more shown to be liable as if he or they were the sole defendant or defendants. ^{Who may be made defendants.}

SEC. 7. This act shall take effect immediately.

